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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,318	11/19/2003	Steven Michael Kientz	2003-059-TAP	8268

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EXAMINER

EVANS, JEFFERSON A

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,318	Applicant(s) KIENTZ ET AL.	
	Examiner Jefferson A. Evans	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-29 is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1 to 29 are pending.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Maekawa et al (U.S. 6,865,047). Note figure 3 and flexible antenna 34 which extends along to walls of a cartridge such that signals may be received through two surfaces of the cartridge. The limitation added to product claim 1 about “a detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device” carries no patentable weight because it is not associated with a structural difference of the claimed tape cartridge. A similar situation exist as to the language such as in claim 6 setting forth that the transmitting antenna is part of a hand held device.

3. Claims 1-3, 5, 6, and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Stamm et al (U.S. 6,702,215). Note figures 12 and 13 and flexible antenna 1202 which extends along to walls of a cartridge such that signals may be received through two surfaces of the cartridge. Multiple antennas extending orthogonally to each other from a contactless memory device may be used (figure 21G). The limitation added to product claim 1 about “a detection of a decrease in amplitude at

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the transmitting antenna indicates the presence of the memory device" carries no patentable weight because it is not associated with a structural difference of the claimed tape cartridge. A similar situation exist as to the language such as in claim 6 setting forth that the transmitting antenna is part of a hand held device.

4. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hino et al (U.S. 2001/0011012). Note figures 6 and 7 and helical flexible antenna 3 which extends from a contactless memory device along to walls of a cartridge such that signals may be received through two surfaces of the cartridge. The limitation added to product claim 1 about "a detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device" carries no patentable weight because it is not associated with a structural difference of the claimed tape cartridge. A similar situation exist as to the language such as in claim 6 setting forth that the transmitting antenna is part of a hand held device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al (U.S. 6,865,047) in view of Waters (U.S. 7,077,489).

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As to claims 1-3, 5, and 6: this rejection addresses an interpretation that the language added to claim 1, i.e., "a detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device" carries patentable weight.

Maekawa does not expressly disclose detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device

Waters discloses that a drop of amplitude across a transmitter can be utilized to detect the presence of a memory.

It would have been obvious to have detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device of Maekawa, as taught by Waters. The motivation would have been: to do so would have allowed the device with a transmitter to recognize when a memory device is present and thus go into active mode, such detection allowing circuits to only be active when needed and thus conserve power.

7. Claims 1-3, 5, 6, 8-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamm et al (U.S. 6,702,215) in view of Waters (U.S. 7,077,489). As to claims 1-3, 5, 6, and 8-13: this rejection addresses an interpretation that the language added to claim 1, i.e., "a detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device" carries patentable weight.

Stamms does not expressly disclose detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device

Waters discloses that a drop of amplitude across a transmitter can be utilized to detect the presence of a memory.

It would have been obvious to have detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device of Stamms, as taught by Waters. The motivation would have been: to do so would have allowed the device with a transmitter to recognize when a memory device is present and thus go into active mode, such detection allowing circuits to only be active when needed and thus conserve power.

8. Claims 1-3, 5-7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino et al (U.S. 2001/0011012) in view of Waters (U.S. 7,077,489). As to claims 1-3 and 5-7: this rejection addresses an interpretation that the language added to claim 1, i.e., "a detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device" carries patentable weight.

Hino does not expressly disclose detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device

Waters discloses that a drop of amplitude across a transmitter can be utilized to detect the presence of a memory.

It would have been obvious to have detection of a decrease in amplitude at the transmitting antenna indicates the presence of the memory device of Hino, as taught by Waters. The motivation would have been: to do so would have allowed the device with a transmitter to recognize when a memory device is present and thus go into active mode, such detection allowing circuits to only be active when needed and thus conserve power.

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9. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al or Stamm et al or Hino et al each alone; or each of Maekawa et al or Stamm et al or Hino et al, in view of Waters. The references do not expressly disclose backscattering modulation for returning the signal from the flexible antenna to the transmitting antenna.

Official Notice is given that backscattering modulation was notoriously old and well known in the art for radio signal transmission between antennas.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize backscattering modulation for returning the signal from the flexible antenna to the transmitting antenna. The motivation would have been: such a method was recognized in the art as an effective approach for such an application.

Note that as to claim 11, only the Stamm reference applies.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stamm et al in view of Hino et al. Stamm does not disclose his antenna as being helical.

Hino discloses that a non-contact IC module for a tape cartridge may utilize a helical antenna.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the antennas of Stamm be helical. The motivation would have been: a helical arrangement was recognized in the art as an effective option and Hino serves as evidence that a helical arrangement was specifically known to be applicable for an antenna used in conjunction with a non-contact IC module for a tape cartridge.

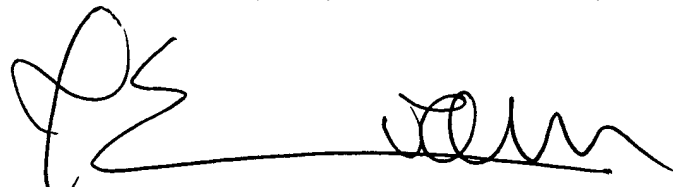
Allowable Subject Matter

11. Claims 16 to 29 are allowed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson A. Evans whose telephone number is 571-272-7574. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'JAE' followed by a stylized, wavy line.

JAE
April 29, 2006

Jefferson A. Evans
Primary Examiner
Art Unit 2627

**JEFFERSON EVANS
PRIMARY EXAMINER**